

In addition to working capital, to pay outstanding bonds when they matured. The Attorney-General's objections were on the ground that the possession of such surplus capital was fraught with possibilities of evil use.

Judge Lacombe pointed out that at recent conferences the defendants have met the criticism by a proposal to buy up half of the outstanding bonds and cancel them at a price in excess of their present value, thus ensuring a willing surrender of them by present holders, and for the other half, securities of the new companies would be offered on a basis of exchange which would ensure acceptance of the offer.

"Since the plan was filed," says Judge Lacombe, "the market reports have given quotations of such bonds as the new company 'if and when.' While such reports are possibly not competent evidence in the trial of a case, they seem to indicate that if the present plan be approved a very brief period will suffice for the disappearance of substantially all the old bonds, and the elimination from the treasury of the American Tobacco Company of the money or the security required to make them good at maturity. Thus the menace of holding an enormous amount of money additional to what is legitimately used in the business of the American Tobacco Company will disappear."

Sheer Waste of Time.

Regarding other plans for dissolution Judge Lacombe points out that since the Circuit Court has no authority to enforce any plan for readjustment without the co-operation of the owners of the property, the condition giving our approval are not accepted by the defendants, we must obey the mandate of the court to sell the property and sell it at public auction.

Regarding the restriction suggested by Attorney-General Wickham, that no corporation in the combination shall during a period of five years acquire any stock in any of the other corporations, Judge Lacombe says:

"With a change of phraseology, which will make this applicable to all of the fourteen companies this restriction is approved. A similar request is found among those submitted by other objectors, with an additional clause forbidding any one of these fourteen companies from making loans or otherwise extending credit to any of the others. This suggestion is a proper one, and may be embodied in the proposed plan."

Referring to the proposed restriction enjoining the twenty-nine individual defendants from increasing their stock holdings in the recreated corporations within five years, which the Attorney-General said during the trial was a restriction to reduce to three years, Judge Lacombe says this change seems desirable because it would result in more rapid distribution of present holdings.

Judge Lacombe says that the court

has no power to direct that the stock of the United Cigar Stores Company be sold and distributed to parties other than the twenty-nine individual defendants or others of the common stockholders, adding that nowhere is there authority for the proposition that the court may seize property of private persons who may have been defrauded against the statute and sell it under conditions which would prejudice the owners of the property at the sale.

Judge Cox, in his opinion, said that the consideration which had the greatest weight with him was the fact that no one had proposed a better plan—the only alternative proposal being the appointment of a receiver. He said he agreed with the Attorney-General that such a calamity should be avoided except as a last resort.

"And I am by no means convinced," he said, "that it would not produce the very evil which this action was instituted to do."

Fight Not Yet Over.

It was asserted to-night by representatives of the independent tobacco organizations that the combination of the dissolution plan as proposed by the American Tobacco Company and approved by the United States Circuit Court to-day, is not yet over.

Felix H. Levy, counsel for the National Cigar Manufacturers' Association, the Cigar Manufacturers' Association of America and the Independent Tobacco Salesmen's Association, declared that he would advise his clients to take such steps as may be necessary to secure a review by the United States Supreme Court.

Assistant United States District Attorney Addison Pratt pointed out that the only way an appeal can be brought before the Supreme bench is through a writ of certiorari. It is thought that such a writ would be granted if applied for, because the proceedings were in the tobacco cases and the higher court would undoubtedly desire to clear up all possible objections that might be raised to the action of the Circuit Court.

CHILDREN INVALIDS and the AGED

Need Sunshine AND Scott's Emulsion

Next to sunshine, nothing restores health, strength and vitality like Scott's Emulsion

ALL DRUGGISTS 11-53

The Dog-Watch

Is as well known at sea as our Watches are on land. If you don't know about our Watches you should visit our store and let us show you what a beautiful stock we have. We are offering some special bargains this week.

J. S. James

Jeweler and Optician,
Seventh and Main Streets.
RELIABLE ACCOUNTS SOLICITED.

Cole's Hot Blast Heaters and Ranges

Sold Only by

Jones Bros. & Co., Inc.,
1418-1420 East Main Street.

WOMEN'S OUTER GARMENTS

THE FREED CO.
1511 EAST BROAD STREET

Sauers
THE BEST FLAVORING EXTRACTS
BY EVERY TEST.



New Arrivals In Berry Polo Coats

We've just received from our New York work rooms another beautiful lot of man-tailored Polo Coats for girls and young women—in grey, blue and brown Chinchillas; grey, blue and smoke Scotch plaids.

The same class of garments turned out by the best Custom-tailors at about half their prices!

That's why the Berry Polo Coats sell like hot cakes!

Prices, \$9 to \$20.

Raincoats for girls, misses and women.

O. H. Berry & Co.

DAVIS GETS WRIT OF HABEAS CORPUS

(Continued from First Page.)

charges, and under which evidence would be admissible of any and every transaction your petitioner may have had with said Appomattox Trust Company from its very organization down to the date of said indictment, for in an indictment of this kind neither the amount nor the date alleged is material, and an entirely different amount and date from that alleged might be proved under any count; in fact, so important have been your petitioner's counsel with the fact that he could not obtain a fair trial under said indictment, upon the motion to quash said indictment they themselves made and filed an affidavit to that effect, a copy of which is herewith filed.

In conclusion, the petition asserts that in compliance with the first indictment at two January terms, the prisoner has been held for trial on every offense alleged in the last indictment. It is, therefore, submitted that there have been more than four terms of the Petersburg court during which Davis has been held without trial, and that he is now entitled to be forever discharged from prosecution under the indictment.

Castro Reported Killed.

Bordeaux, November 8.—Passengers on the steamer Perou, which arrived here to-day from Venezuela, report that Ex-President Castro was killed in a battle with the forces of the government in Venezuela by his own partisans, who were enraged at his hard treatment of them.

Ends Indigestion

Quickly Stops Gas, Sourness, Heartburn and All Stomach Misery

Be fair-minded—let the skeptics suffer. Take advantage of the fair and square offer of Tragle Co. is making to the citizens of Richmond and vicinity.

They say if M-I-O-N-A stomach tablets do not put an end to indigestion; do not stop heartburn, gas, sourness and heartburn you can have your money back. Pretty good offer, thousands of old-timers dyspeptics now enjoying good health have found.

M-I-O-N-A stomach tablets are splendid for nervousness, dizziness, sick headache, sleeplessness, sea and car sickness, vomiting of pregnancy and for morning sickness following dissipation of the night before. So, go to Tragle Co.'s and druggists everywhere.

No matter how little or much you suffer, get a box of M-I-O-N-A tablets to-day and take one with or after each meal for a week. You'll be surprised at the result; that tired feeling has disappeared; the skin is clearer; the eye brighter and you feel fine every minute of the day.

Manchus Prepare for Resistance

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The revolutionaries commandeered a British tug which was proceeding to the river with two lighters of coal. It was suspected that the coal was destined for Admiral Sah's fleet. A British gunboat made a demand for the captured boats, which were afterwards restored.

Two thousand trained soldiers have arrived from the Poyang district, Kiang Si. A night or two ago the forts sunk an Imperialist gunboat which was seeking to pass down the river, accompanied by torpedo boats. The latter escaped.

The S. GALESKI Optical Co.

Main and Broad and Third
Eighth Sts. Next to Corner

Best of Everything Optical and Photographic.

Dancing Slippers at

Hoheimeier's

The RED Car

Mon. 7:30 Day Only
Always Ready
Mon. 7:30 Day Night

"ASK MR. BOWMAN"
VIRGINIA TAXI SERVICE CO.

Report Burglaries.

Samuel Crain reported to the police yesterday afternoon that the store at 213 P Street had been entered and robbed. The loss consisted of means chewing gum and other like delicacies.

A report came also to last night from the store of Burke & Company, Eighth and Main Streets, which had also been entered.

Poochow Has Fallen.

Poochow, November 8.—Poochow has fallen into the hands of the rebels after a short resistance. The viceroy and Tatar general have escaped. The Tatar general has been killed. The rebels are now in possession of the city. The Tatar general has been killed. The rebels are now in possession of the city.

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Amoy, November 8.—The Tartar general of Foochow, according to reports, was annihilated last night. The Tartar general had arrived at Amoy on the gunboat Yuan-Kai.

The Velvet Kind

PURE ICE CREAM

SAME QUALITY EVERY DAY

Monroe 1861.

Weak Nerves

Weak nerves mean nervousness, nervous headaches, debility. They call for good food, fresh air, and a nerve tonic. Let your doctor select the medicine. Ayer's Sarsaparilla, no alcohol.

BEATIE REMOVED TO STATE PRISON

(Continued from First Page.)

Commonwealth's attorney of Chesterfield county.

The three letters expressed the deepest appreciation for the work of the two Richmond detectives, and were also commendatory in their tone of the papers taken by the case by the Richmond department. Sergeant Wren and Wiltshire were commended for their efficiency and for the faithful discharge of their duties. The writers took pains to say that both men deserved all the credit which had been given them, and hoped that they would be advanced in position.

CHARTERS ISSUED

The Virginia Automobile Garage and Repair Corporation, Norfolk, Va. H. Page, president; A. M. Pope, vice-president; P. H. Page, secretary and treasurer. Capital: \$10,000. Object: Automobile business.

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MURDER CASES CONTINUED.

Charles Merkle and Mrs. Murdock Will Face Jury in January.

(Special to The Times-Dispatch.)

Norfolk, Va., November 8.—On account of the illness of prosecuting attorney R. C. Marshall, the cases of Charles Merkle and Mrs. Minnie Lee Murdock, charged with the murder of Harry Harding near Ocean View last spring, were continued until the January term of the Norfolk Circuit Court. Merkle will be arraigned on Monday, January 8, while Mrs. Murdock will be tried the following Thursday. Each is to receive a continuance of the case until the January term of court, after the attorneys for Mrs. Murdock would leave the matter to the court to be set in January.

MANCHUS PREPARE FOR RESISTANCE

(Continued from First Page.)

are still in Hankow. Riflemen on opposite sides of the Han River fought all day Saturday, and there has been similar fighting to-day, but steadily decreasing in volume. There is much open revolutionary talk among the Manchus.

Foreigners who have not been given the opportunity of witnessing the engagements, except at a distance, are hearing horrifying stories of brutality. The Imperialists have hanged men, and, failing to strangle them, tortured them to death, prodded them with bayonets or crushed them to death with stones.

Against women cannot be told. Red Cross bearers have been killed and wounded. Soldiers on both sides have slaughtered their wounded enemies.

Mohs Are Violent.

A thousand revolutionary soldiers from Hu-Nan reached Wu-Chang yesterday. Consular reports from I-Chang say refugees from Chung King, in Szechuan Province, are bound thither. Secret societies, it is reported, are gaining control in Sze Chuan. The Mohs at Klu Kiang are violent.

Only Partly Successful.

Shanghai, November 8.—Latest advices received here say that the attempt of the insurgents to seize Nanking was only partly successful. They were repulsed at several points, but captured the armory forts behind the city. They lost more than 100 men killed. At the south gate 2,000 Imperialists joined the revolutionaries on receipt of 300,000 taels (\$200,000).

Shanghai general, Chang Chun, is still holding out. The foreign residents have either left the city or taken refuge in the consulates.

Leaves for Peking.

Tokio, November 8.—Liang Chi Chiao, the noted Chinese reformer and editor, who has been living in Japan for some years past, left to-day for Peking. It is believed that he is returning to China with the intention of taking a prominent part in the reform movement.

Warned Against Boxerism.

London, November 8.—A dispatch to the Daily Telegraph from Peking says that Sir John Jordan, British minister, visited Prince Ching to-day, and warned him most seriously that any repetition of Boxerism in the capital would bring down punishment.

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